

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF: ) Case No. 04-81489  
 )  
FURNAS COUNTY FARMS, et al., ) (Jointly Administered)  
 )  
Debtors. ) Chapter 11

**RESISTANCE TO MOTION TO COMPEL ASSUMPTION OR REJECTION**  
**FILED BY GREAT AMERICAN INSURANCE COMPANY OF NEW YORK AND ITS**  
**SUBSIDIARIES GREAT AMERICAN ALLIANCE INSURANCE COMPANY AND**  
**GREAT AMERICAN INSURANCE ASSURANCE COMPANY**

COME NOW Furnas County Farms, et al., ("Debtors") and for their resistance to the Motion to Compel filed by Great American Insurance Company of New York, Great American Alliance Insurance Company and Great American Insurance Assurance Company (filings 96, 97 and 98) ("Companies") show the court the following:

1. The Debtors are insured by the aforementioned Companies and are current in the payment of the insurance premiums due on the specific policies of insurance.
2. The Debtors will continue to pay the Company's insurance premiums on a monthly basis.
3. The Debtors have been permitted to pay the premiums on a monthly basis, although the premium is calculated over a twelve-month period.
4. The Debtors would agree that the insurance contracts remain in force and further agree that they will continue to pay the premiums on a monthly basis.
5. The Debtors do not believe that they should be required to assume or reject, at this time, since if they assume the contracts, then upon the completion of the sale of the Debtors' assets, the Debtors would be entitled to a refund of premium. If the Debtors fail to pay the

monthly premium payments, the Companies, pursuant to the contracts, could cancel the insurance.

WHEREFORE, the Debtors resist the Motion to Compel Assumption or Rejection; pray that the court deny the Motion, and for such other and further relief as the court deems just and equitable in the premises.

Dated: June 15, 2004.

FURNAS COUNTY FARMS, et al., Debtors and  
Debtors-in-Possession

BY Joseph H. Badami  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 15, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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and I hereby certify that I have mailed by United States Mail, postage prepaid, the foregoing document to the following non CM/ECF participants:

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s/ Joseph H. Badami  
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